

PHYSICIAN ASSISTANTS

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CHAPTER 325
BOARD OF PHYSICIAN ASSISTANT EXAMINERS

645—325.1(148C) General definitions.

“*Board*” means the board of physician assistant examiners.

“*Department*” means the department of public health.

645—325.2(148C) Availability of information.

325.2(1) All information regarding rules, forms, time and place of meetings, minutes of meetings, record of hearings, and examination results are available to the public between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

325.2(2) Information may be obtained by writing to the Board of Physician Assistant Examiners, Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075. All official correspondence shall be in writing and directed to the board at this address.

645—325.3(148C) Organization and proceedings.

325.3(1) The purpose of the board of physician assistant examiners is to administer and enforce the provisions of Iowa Code chapters 147 and 148C, with regard to the registration and licensure of physician assistants to practice under the supervision of a physician or physicians, granting licensure for physician assistants including approval of the plan for supervision of the physician assistant by the physician and the description of how the physician assistant is to function within the physician’s scope of practice, investigating violations and infractions involving the practice of physician assistants, and revoking, suspending or otherwise disciplining a physician assistant who has violated the provisions of the practice of physician assistants.

325.3(2) The board is comprised of three members licensed to practice as physician assistants, one member licensed to practice medicine and surgery who supervises a physician assistant, one member licensed to practice osteopathic medicine and surgery who supervises a physician assistant, and two members from the general public. The members are appointed by the governor and confirmed by the senate. The term of office is for three years. A member may not serve more than three terms or nine years.

325.3(3) Duties of the board include:

- a.* The board is a policy-making body relative to matters involving physician assistant education.
- b.* The board conducts business according to established policy as approved by the members.
- c.* The board organizes annually and elects a chairperson, vice chairperson and secretary from its membership. These members comprise the executive committee of the board.

d. The chairperson, with direction from the executive committee, shall appoint members to the review group and other organizational committees that are necessary to assist in accomplishing the board's duties.

e. The board governs its proceedings by Robert's Rules of Order, Revised. A majority of the members of the board shall constitute a quorum. Official action requires a majority vote of the quorum.

325.3(4) The board has statutory authority to:

a. Administer and enforce the laws and administrative rules relating to the registration and licensure to practice as a physician assistant;

b. Review or investigate, or both, upon written complaint or upon its own motion pursuant to other evidence received by the board, alleged acts or omissions which the board reasonably believes constitute cause under applicable law or administrative rule for licensee discipline;

c. Determine in any case whether an investigation, or further investigation, or a disciplinary proceeding is warranted;

d. Initiate and prosecute disciplinary proceedings;

e. Impose licensee discipline;

f. Petition the district court for enforcement of its authority with respect to licensees or with respect to other persons violating the laws which the board is charged with administering;

g. Establish and register peer review committees;

h. Refer to a registered peer review committee for investigation and review, and report to the board any complaint or other evidence of an act or omission which the board reasonably believes constitutes cause for licensee discipline;

i. Determine and administer registration and licensure renewals;

j. Establish and administer rules for continuing education requirements as a condition for renewal of licenses.

325.3(5) Meetings. The board will meet as often as necessary to carry out statutory responsibilities. Information concerning the dates and locations for meetings may be obtained from the board office.

325.3(6) Public meetings. All meetings of the board shall be open and public, and all citizens of Iowa shall be permitted to attend any meeting, except as otherwise provided by statute.

325.3(7) Promulgation of administrative rules.

a. The board is responsible for the promulgation, amendment and repeal of administrative rules relating to the practice of physician assistants, in accordance with Iowa Code chapter 17A.

b. The review group as specified in Iowa Code section 148C.7 shall review and approve or disapprove rules proposed for adoption by the board of physician assistant examiners. A rule shall not become effective without the approval of a simple majority of the review group.

c. Proposed rules shall be designed to encourage the utilization of physician assistants in a manner that is consistent with the provision of quality health care and medical services for the citizens of Iowa through better utilization of available physicians and the development of sound programs for the education and training of skilled physician assistants well qualified to assist physicians in providing health care and medical services.

325.3(8) Petition to promulgate, amend, or repeal a rule.

a. An interested person or other legal entity may petition the board requesting the promulgation, amendment or repeal of a rule.

b. The petition shall be in writing, signed by or on behalf of the petitioner and shall contain a detailed statement of:

(1) The rule that the petitioner is requesting that the board promulgate, amend or repeal. When amendment of an existing rule is sought, the rule shall be set forth in full with the matter proposed to be deleted enclosed in brackets and proposed additions shown by underlining or boldface.

(2) Facts in sufficient detail to show the reasons for the proposed action.

(3) All propositions of law to be asserted by petitioner.

c. The petition shall be in typewritten or printed form, captioned "BEFORE THE IOWA BOARD OF PHYSICIAN ASSISTANT EXAMINERS" and shall be deemed filed when received by the board office.

d. Upon receipt of the petition, the board staff shall:

(1) Within 20 days, mail a copy of the petition to any parties named therein. The petition shall be deemed served on the date of mailing to the last-known address of the party being served.

(2) Advise the petitioner that the petitioner has 30 days to submit written views. At the board chairperson's direction, the board staff may schedule oral presentation of petitioner's view.

e. The review group shall review and approve or disapprove the proposed rules or amendments prior to the board's final decision to deny the petition or to initiate rule-making proceedings.

f. The petitioner will be notified, within 60 days after the date of submission of the petition, of the board's decision to deny the petition or to initiate rule-making proceedings in accordance with Iowa Code chapter 17A.

325.3(9) Declaratory rulings. Upon petition filed by any individual, partnership, corporation, association, governmental subdivision, private or public organization or state agency, the board may issue a declaratory ruling as to the applicability of statutes and rules, policy statements, decisions and orders under its jurisdiction.

a. A petition for a declaratory ruling shall be typewritten or printed and at the top of the first page the words "PETITION FOR DECLARATORY RULING BEFORE THE BOARD OF PHYSICIAN ASSISTANT EXAMINERS" shall appear.

b. The petition shall include the name and official title, if any, address and telephone number of each petitioner. If the request is at the request of an entity mentioned in this subrule, it shall name the entity.

c. The body of the petition shall contain:

(1) A detailed statement of facts upon which petitioner requests that the board issue a declaratory ruling;

(2) The statute, rule, policy statement, decision or order for which a ruling is sought;

(3) The exact words, passages, sentences or paragraphs which are the subject of inquiry;

(4) The specific questions presented for declaratory ruling; and

(5) A consecutive numbering of each multiple issue presented for declaratory ruling.

d. The petition shall be filed either by serving it personally at the board office or by mailing it to the Board of Physician Assistant Examiners, Professional Licensure Division, Lucas State Office Building, Des Moines, Iowa 50319-0075.

e. The board chairperson shall acknowledge receipt of petitions or, at the direction of the board, return petitions not in substantial conformity with these rules.

f. The board may decline to issue a declaratory ruling for any of the following reasons:

(1) A lack of jurisdiction;

(2) A lack of clarity of the issue presented;

(3) The issue or issues presented are pending resolution by a court of Iowa or by the attorney general;

- (4) The issues presented have been resolved by a change in circumstances or by other reasons;
- (5) The issues are under investigation for the purpose of formal adjudication;
- (6) The petition does not comply with the requirements imposed by 325.3(9)“c”; or
- (7) When a ruling would necessarily determine the legal rights of other parties not represented in the proceeding.

g. In the event the board declines to make a ruling, the board chairperson shall notify the petitioner(s) of this fact and the reasons for the refusal.

h. When the petition is in proper form and has not been declined, the board shall issue a ruling disposing of the petition within a reasonable time after its filing.

i. Rulings shall be mailed to petitioners and to other parties at the discretion of the board chairperson.

j. Rulings shall be indexed and available for public inspection.

These rules are intended to implement Iowa Code chapters 17A and 148C.

[Filed November 14, 1974]

[Filed 2/5/79, Notice 11/29/78—published 2/21/79, effective 3/29/79]

[Filed 3/13/81, Notice 1/7/81—published 4/1/81, effective 5/6/81]

[Filed 1/13/82, Notice 10/28/81—published 2/3/82, effective 3/10/82]

[Filed emergency 6/30/82, after Notice 5/26/82—published 7/21/82, effective 7/1/82]

[Filed 9/14/84, Notice 8/1/84—published 10/10/84, effective 11/14/84*]

[Filed 10/19/84, Notice 8/29/84—published 11/7/84, effective 12/12/84]

[Filed emergency 4/15/88—published 5/4/88, effective 4/15/88]

[Filed 6/23/89, Notice 1/11/89—published 7/12/89, effective 8/16/89]

[Filed emergency 8/11/89—published 9/6/89, effective 8/16/89]

[Filed 7/3/91, Notice 4/17/91—published 7/24/91, effective 8/28/91]

[Filed 11/22/91, Notice 10/16/91—published 12/11/91, effective 1/15/92]

[Filed 10/7/92, Notice 8/19/92—published 10/28/92, effective 12/2/92]

[Filed 6/3/94, Notice 2/16/94—published 6/22/94, effective 7/27/94]

[Filed 7/14/95, Notice 3/1/95—published 8/2/95, effective 9/6/95**]

[Filed emergency 11/15/95 after Notice 10/11/95—published 12/6/95, effective 11/15/95]

[Filed 1/23/98, Notice 10/22/97—published 2/11/98, effective 3/18/98]

[Filed 5/28/99, Notice 4/7/99—published 6/16/99, effective 7/21/99]

[Filed 1/19/01, Notice 11/15/00—published 2/7/01, effective 3/14/01]

[Filed 7/19/02, Notice 4/3/02—published 8/7/02, effective 9/11/02]

NOTE: History prior to IAB 7/12/89 transferred from 653—Chapter 20, IAB 11/14/90.

*Effective date of 11/14/84 delayed 70 days by the Administrative Rules Review Committee. Delay lifted by Committee on 1/9/85.

**Effective date of 325.7(3)“a” and 325.7(4)“a”(1), (3) delayed 70 days by the Administrative Rules Review Committee at its meeting held August 16, 1995.